

REMARKS

The Office Action mailed on November 14, 2008, has been carefully considered. The following remarks are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-7, 10, and 12-31 are currently pending in the instant application. Claims 1-7, 10, and 12-31 have been cancelled without prejudice, Applicants reserving the right to prosecute claims 1-7, 10, and 12-31 at a later time. New claims 32-59 have been added for consideration by the Examiner. No new matter is introduced by new claims 27-31. Independent claims 32, 48, and 53 are similar to previous claims 1, 16, and 20, respectively.

Claims 20-23, 26, 30-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. With regard to the rejection of previous claim 20, new claim 53 recites a positioning member disposed about a central polar axis and comprising a plurality of circumferentially spaced-apart arms joined to a plurality of circumferentially spaced-apart positioning legs. With regard to the rejection of previous claims 27 and 29 due to the "opening" recited in previous claim 1, Applicants traverse this rejection. However, new independent claim 32, which is similar to previous claim 1, does not recite an opening, rendering any similar rejection moot with regards to new claims 45 and 47, which are similar to previous claims 27 and 29.

Claims 1-7, 10, 12-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Accordingly, new independent claim 32, which is similar to previous claim 1, does not recite an opening, while new claim 48, which is similar to previous claim 16, has been amended to preclude a similar rejection.

Claims 1-7, 10, and 12-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 7,097,660 ("Portney"). Applicants respectfully traverse the rejection; however, in order to advance the current application, claims 1-7, 10, and 12-31 have been replaced by new claims 32-59, where independent claims 32, 48, and 53 are similar to cancelled independent claims 1, 16, and 20, respectively.

New independent claims 32, 48, and 53 are clearly patentable over Portney.

For example, Portney does not disclose various limitations of claim 32. For examples, Portney does not disclose an implantable intraocular lens that comprises a positioning member comprising an outer body that is arcuate when viewed in cross-section, as recited in claim 32. Furthermore, Portney does not disclose that the outer body include an anterior segment located anterior to the anterior surface of an optic. In addition, Portney does not disclose that the outer body also include a posterior segment located posterior to the posterior surface segment of the optic.

Portney also does not disclose various limitations of claim 48. For examples, Portney does not disclose an implantable intraocular lens that comprises an outer body including a plurality of anterior segments and a plurality of corresponding posterior segments joined by a plurality of corresponding bights. Portney also does not disclose a plurality of arms joining the optic to the positioning member at the bights. Nor does Portney disclose that the anterior segments are circumferentially disposed about the central polar axis so as to define a central opening of the outer body, the central opening being located in front of the optic.

Furthermore, Portney does not disclose various limitations of claim 53. For examples, Portney does not disclose an implantable intraocular lens that comprises a positioning member comprising a plurality of circumferentially spaced-apart arms joined to a plurality of circumferentially spaced-apart positioning legs, wherein each of the positioning legs has an arcuate shape when viewed in cross-section. Nor does Portney disclose that the legs are joined with the optic via the arms.

In addition, Portney does not disclose various elements of various of the new claims depending from independent claims 32, 48, and 53. For example, Portney does not disclose an outer body that forms an enclosure about an optic, the enclosure having a central opening disposed about and including the optical axis, the central opening being anterior to the anterior surface of the optic, as required in claim 44. In addition, Portney does not disclose an outer body that defines an equatorial segment, and including anterior and posterior segments of the outer body that are located radially inwardly from the equatorial segment, as required in claim 45. Also, Portney does not disclose a positioning member that includes anterior segments that are disposed about a first plane that is perpendicular to central polar axis, and posterior segments are disposed about a second plane that is perpendicular to central polar axis, wherein

the entire optic is disposed between the first plane and the second plane, as required in claim 51. Furthermore, Portney does not disclose a positioning member including posterior segments that are disposed about a second central opening of the outer body, wherein the second central opening is located behind the optic, as required in claim 52.

At least because Portney does not disclose all of the limitations of claims 32, 48, and 53, Applicants request the Examiner allow claims 32, 48, and 53. Claims 33-47, 49-52, and 54-59 depend from claims 32, 48, or 53 and further define the invention of claims 32, 48, and 53. Thus, claims 33-47, 49-52, and 54-59 are patentable over Portney at least for the same reasons that claim 32, 48, and 53 are patentable thereover, and are patentable in their own right as well.

CONCLUSION

Applicants respectfully assert that the claims now pending are allowable over the prior art. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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